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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,704	12/21/2001	Shilpa Tipnis	20-488	6904

7590 12/10/2008
MANELLI DENISON & SELTER PLLC
7th Floor
2000 M Street, N.W.
Washington, DC 20036-3307

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morse et al. (Patent Number 6,609,004) in view of Hamada et al. (U. S. Patent Number 6,728,635).

Regarding claims 3, Morse et al. discloses the location based messaging method and system, Morse et al. discloses a method of providing tour guide information in a wireless network, comprising using a location based wireless service (which reads on mobility aware content server 50) to obtain a location of a subscriber using wireless or cellular network signaling (which reads on column 4 lines 48-53), identifying a short message relating to said location (which reads on column 4 lines 15-18), and transmitting said identified short message to said subscriber (which reads on column 11 lines 39-41). However Morse et al. fails to disclose altering the length of a message based on speed of subscriber.

In a similar field of endeavor, Hamada et al. discloses a landmark update system and navigation device. In addition Hamada et al. discloses altering the length of a message based on speed of subscriber (which reads on column 12 lines 52-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Morse et al. by modifying a location based messaging method and system with altering the length of a message based on speed of subscriber as taught

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by Hamada et al. for the purpose of safely providing the user with information pertaining to the location.

2. Claims 13-14,19-21,26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse et al. (Patent Number 6,609,004) in view of Durocher et al. (U. S. Patent Number 6,381,535) and further in view of Hamada et al. (U. S. Patent Number 6,728,635).

Regarding claim 13, Morse et al. discloses the location based messaging method and system, Morse et al. discloses a method of providing tour guide information in a wireless network, comprising using a location based wireless service (which reads on mobility aware content server 50) to obtain a location of a subscriber using wireless or cellular network signaling (which reads on column 4 lines 48-53), identifying a message relating to said location (which reads on column 4 lines 15-18), and transmitting said identified message to said subscriber (which reads on column 11 lines 39-41). However Morse et al. fails to disclose (a) the use of a Internet Protocol (IP) message, and (b) altering the length of a message based on speed of subscriber.

In a similar field of endeavor, Durocher et al. discloses a interactive process for use as a navigational aid and device for its implementation. In addition Durocher et al. discloses (a) the use of a Internet Protocol (IP) message (which reads on column 9 lines 39-41).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Morse et al. by modifying a location based messaging method and system with the use of a Internet Protocol (IP) message as taught by Hamada et al. for the purpose of being able to use either or both the internet and the cellular network system.

In a similar field of endeavor, Hamada et al. discloses a landmark update system and navigation device. In addition Hamada et al. discloses (b) altering the length of a message based on speed of subscriber (which reads on column 12 lines 52-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Morse et al. by modifying a location based messaging method and system with altering the length of a message based on speed of subscriber as taught by Hamada et al. for the purpose of immediately provide the user with all information pertaining to the location.

Regarding claim 14, Morse et al. in view of Durocher et al. discloses the location based messaging method and system, Morse et al. discloses a method of providing tour guide information in a wireless network, however, the combination of Morse et al. in view of Durocher et al. fails to disclose determining a speed of said subscriber.

In a similar field of endeavor, Hamada et al. discloses a landmark update system and navigation device. In addition Hamada et al. discloses determining a speed of said subscriber (which reads on column 8 lines 1-3).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Morse et al. by modifying a location based messaging method and system with determining a speed of said subscriber as taught by Hamada et al. for the purpose of acquiring real time location information.

Regarding claim 19, Morse et al in view of Durocher et al. discloses the location based information in a wireless network, Morse et al. discloses location of said subscriber is determined using a known location of a cell/sector servicing said subscriber (which reads on column 4 lines 54-58).

Regarding claim 20, Morse et al. discloses the location based messaging method and system, Morse et al. discloses a apparatus (which reads on the general structure of a network system of figure 1) of providing tour guide information in a wireless network, comprising using a location based wireless service (which reads on mobility aware content server 50) to obtain a location of a subscriber using wireless or cellular network signaling (which reads on column 4 lines 48-53), identifying a message relating to said location (which reads on column 4 lines 15-18), and transmitting said identified message to said subscriber (which reads on column 11 lines 39-41). However Morse et al. fails to discloses (a) the use of a Internet Protocol (IP) message, and (b) altering the length of a message based on speed of subscriber.

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In a similar field of endeavor, Durocher et al. discloses a interactive process for use as a navigational aid and device for its implementation. In addition Durocher et al. discloses (a) the use of a Internet Protocol (IP) message (which reads on column 9 lines 39-41).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Morse et al. by modifying a location based messaging method and system with the use of a Internet Protocol (IP) message as taught by Hamada et al. for the purpose of being able to use either or both the internet and the cellular network system.

In a similar field of endeavor, Hamada et al. discloses a landmark update system and navigation device. In addition Hamada et al. discloses (b) altering the length of a message based on speed of subscriber (which reads on column 12 lines 52-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Morse et al. by modifying a location based messaging method and system with altering the length of a message based on speed of subscriber as taught by Hamada et al. for the purpose of immediately provide the user with all information pertaining to the location.

Regarding claim 21, Morse et al. discloses the location based messaging method and system, in addition Morse et al. discloses a apparatus (which reads on the general structure of a network system of figure 1) for providing tour guide information in a wireless network, however, Morse et al. fails to disclose determining a speed of said subscriber.

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In a similar field of endeavor, Hamada et al. discloses a landmark update system and navigation device. In addition Hamada et al. discloses determining a speed of said subscriber (which reads on column 8 lines 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Morse et al. by modifying a location based messaging method and system with determining a speed of said subscriber as taught by Hamada et al. for the purpose of acquiring real time location information.

Regarding claim 26, Morse et al in view of Durocher et al. discloses a apparatus (which reads on the general structure of a network system of figure 1) for providing the location based information in a wireless network, Morse et al. discloses location of said subscriber is determined using a known location of a cell/sector servicing said subscriber (which reads on column 4 lines 54-58).

3. Claims 16-17, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse et al. (Patent Number 7,392,038) in view of Durocher et al. in view of Hamada et al. (U.S. Patent Number 6,728,635) as applied to claims 3,13, 14 above, and further in view of Anderson et al. (U.S. Patent Publication Number 2003/0017832).

Regarding claim 16, Morse et al. in view of Durocher et al. and further in view of Hamada et al. discloses the location based information in a wireless network, however the

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combination of Morse et al. in view of Hamada et al. fails to disclose location of said subscriber is determined using an angle of arrival of a wireless signal from said subscriber.

In a similar field of endeavor, Anderson et al. discloses determining location of said subscriber is determined using an angle of arrival of a wireless signal from said subscriber (which reads on paragraph 0038).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the combination of Morse et al. in view of Hamada et al. by modifying a location based messaging method and system with determining a speed of said subscriber as taught by Anderson et al. for the purpose of determining the mobile stations location actually without positioning error.

Regarding claim 17, Morse et al. in view of Durocher et al. and further in view of Hamada et al. discloses the location based information in a wireless network, however the combination of Morse et al. in view of Hamada et al. fails to disclose location of said subscriber is determined using a time of difference of arrival of a wireless signal from said subscriber.

In a similar field of endeavor, Anderson et al. discloses determining location of said subscriber is determined using a time of difference of arrival of a wireless signal from said subscriber. (which reads on paragraph 0038).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the combination of Morse et al. in view of Hamada et al. by modifying a location based messaging method and system with determining a speed of said

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subscriber a time of difference of arrival of a wireless signal from said subscriber as taught by Anderson et al. for the purpose of determining the mobile stations location actually with out positioning error.

Regarding claim 23, Morse et al. i in view of Durocher et al. and further n view of Hamada et al. discloses the apparatus (which reads on the general structure of a network system of figure 1) for location based information in a wireless network, however the combination of Morse et al. in view of Hamada et al. fails to discloses location of said subscriber is determined using an angle of arrival of a wireless signal from said subscriber.

In a similar field of endeavor, Anderson et al. discloses determining location of said subscriber is determined using an angle of arrival of a wireless signal from said subscriber (which reads on paragraph 0038).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the combination of Morse et al. in view of Hamada et al. by modifying a location based messaging method and system with determining a speed of said subscriber as taught by Anderson et al. for the purpose of determining the mobile stations location actually with out positioning error.

Regarding claim 24, Morse et al. in view of Durocher et al. and further in view of Hamada et al. discloses the apparatus (which reads on the general structure of a network system of figure 1) for location based information in a wireless network, however the combination of

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Morse et al. in view of Hamada et al. fails to disclose location of said subscriber is determined using a time of difference of arrival of a wireless signal from said subscriber.

In a similar field of endeavor, Anderson et al. discloses determining location of said subscriber is determined using a time of difference of arrival of a wireless signal from said subscriber. (which reads on paragraph 0038).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the combination of Morse et al. in view of Hamada et al. by modifying a location based messaging method and system with determining a speed of said subscriber a time of difference of arrival of a wireless signal from said subscriber as taught by Anderson et al. for the purpose of determining the mobile stations location actually with out positioning error.

4. Claims 15, 18, 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse et al. (Patent Number 7,392,038) in view of Durocher et al. and further in view of Hamada et al. (U. S. Patent Number 6,728,635) and well known prior art.

Regarding claim 15, Morse et al. in view of Durocher et al and further in view of Hamada et al. discloses a IP message is a short message, however the combination fails to disclose the message is maintained in a Short Message Service Center (SMSC).

The examiner contends, however, the use of a Short message service center is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Morse et al. with the teachings of well known prior art since such a method of storing and transmitting short messages is known to be widely used in the industry.

Regarding claim 18, Morse et al. in view of Durocher et al and further in view of Hamada et al. discloses the location based information in a wireless network, however the combination of Morse et al. in view of Hamada et al. fails to discloses location of said subscriber is determined using a time of arrival of a wireless signal from said subscriber.

The examiner contends, however, the use of a time of arrival of a wireless signal from a subscriber is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Morse et al. with the teachings of well known prior art since such a method of locating a mobile is known to be widely used in the industry.

Regarding claims 22, 27, Morse et al. in view of Durocher et al and further in view of Hamada et al. discloses the apparatus (which reads on the general structure of a network system of figure 1) for location based information in a wireless network, however the combination fails to disclose the message is maintained in a Short Message Service Center (SMSC).

The examiner contends, however, the use of a Short message service center is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Morse et al. with the teachings of well known prior art since such a method of storing and transmitting short messages is known to be widely used in the industry.

Regarding claim 25, Morse et al. in view of Durocher et al and further in view of Hamada et al.. discloses the apparatus (which reads on the general structure of a network system of figure 1) for location based information in a wireless network, however the combination of Morse et al. in view of Hamada et al. fails to discloses location of said subscriber is determined using a time of arrival of a wireless signal from said subscriber.

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The examiner contends, however, the use of a time of arrival of a wireless signal from a subscriber is well known in the art, and at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Morse et al. with the teachings of well known prior art since such a method of locating a mobile is known to be widely used in the industry.

Response to Arguments

5. Applicant's arguments with respect to claims 3,13-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEILA B. SMITH whose telephone number is (571)272-7847.

The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheila B. Smith/
Examiner, Art Unit 2617
November 19, 2008

/Dwayne D. BOST/
Supervisory Patent Examiner,
Art Unit 2617